

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALAN WILLIS, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

BIG LOTS, INC., STEVEN S. FISHMAN,
JOE R. COOPER, CHARLES W. HAUBIEL
II and TIMOTHY A. JOHNSON,

Defendants.

Case No. 2:12-cv-00604-MHW-NMK

Judge Michael H. Watson

**JOINT MOTION OF PLAINTIFFS AND DEFENDANTS TO ENLARGE PAGE LIMITS
FOR BRIEFING ON MOTION TO DISMISS**

Pursuant to S.D. Ohio Civ. R. 7.2(a)(3) and Section E(1) of the Court's Case Management Procedures, Lead Plaintiff City of Pontiac General Employees' Retirement System and defendants Joe R. Cooper, Steven S. Fishman, Charles W. Haubiel II, Timothy A. Johnson, and Big Lots, Inc. (collectively, "Defendants"), jointly move the Court to enlarge the page limits for briefing on the forthcoming motion of Defendants to dismiss the Amended Complaint as follows:

- (1) granting Defendants leave to file an opening memorandum of law of not more than 30 pages in support of their motion to dismiss, provided that the memorandum of law of Defendants shall comply in all other respects with the requirements of S.D. Ohio Civ. R. 7.2(a)(3) and Section E(1) of the Case Management Procedures of the Court; and
- (2) granting Lead Plaintiff leave to file a memorandum of law of not more than 30 pages in opposition to the motion to dismiss, provided that the memorandum of law of Lead

Plaintiff shall comply in all other respects with the requirements of S.D. Ohio Civ. R.

7.2(a)(3) and Section E(1) of the Case Management Procedures of the Court.

Lead Plaintiff filed an Amended Complaint on April 4, 2013. (Dkt. No. 18.) Pursuant to the Court's Scheduling Order (Dkt. No. 12), Defendants shall move or plead in response on or before May 6, 2013. Defendants anticipate that they will move to dismiss the Amended Complaint under Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4.

The five Defendants jointly will file a single motion to dismiss and supporting memorandum, and Lead Plaintiff will file a single memorandum in opposition. The five Defendants likewise will file a single reply memorandum in support of their motion to dismiss, but Defendants seek no enlargement of the standard page limit for that reply memorandum.

To facilitate the presentation by Defendants and Lead Plaintiff of the pertinent facts and applicable case law on both sets of dispositive grounds, Lead Plaintiff and Defendants jointly request that the Court allow them to present opening and opposition memoranda of law of not more than 30 pages. A proposed order granting this motion is attached.

Respectfully submitted,

MURRAY MURPHY MOUL + BASIL LLP

/s/ Joseph F. Murray

Joseph F. Murray, Trial Attorney (0063373)

Brian K. Murphy (0070654)

1533 Lake Shore Drive

Columbus, OH 43204

Phone: (614) 488-0400

Fax: (614) 488-0401

murray@mmmb.com

murphy@mmmb.com

**ROBBINS GELLER RUDMAN
& DOWD LLP**

Darren J. Robbins
David W. Mitchell
Brian E. Cochran
655 West Broadway, Suite 1900
San Diego, CA 92101
Phone: (619) 231-1058
Fax: (619) 231-7423
darrenr@rgrdlaw.com
davidm@rgrdlaw.com
bcochran@rgrdlaw.com

Counsel for Plaintiffs

**VORYS, SATER, SEYMOUR AND PEASE
LLP**

/s/ William D. Kloss, Jr., Trial Attorney
William D. Kloss, Jr. (0040854)
John J. Kulewicz (0008376)
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
Phone: (614) 464-6360
Fax: (614) 719-4807
wdklossjr@vorys.com
jjkulewicz@vorys.com

Counsel for the Defendants

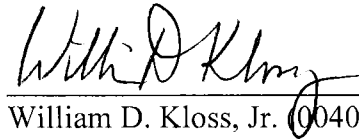
CRAVATH, SWAINE & MOORE LLP

Michael A. Paskin
Timothy G. Cameron
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
Phone: (212) 474-1000
Fax: (212) 474-3700
mpaskin@cravath.com
tcameron@cravath.com

Of Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically through the Court's CM/ECF System this 6th day of May, 2013. Notice of this filing will be send via email to all parties by operation of the Court's electronic filing system.

A handwritten signature in black ink, appearing to read "William D. Kloss, Jr.", is written over a horizontal line.

William D. Kloss, Jr. (0040854)

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**ORDER GRANTING JOINT MOTION OF LEAD PLAINTIFF AND DEFENDANTS
TO ENLARGE PAGE LIMITS FOR BRIEFING ON MOTION TO DISMISS**

This action has come before the Court upon the joint motion of Lead Plaintiff and Defendants to enlarge the page limits for briefing on the forthcoming motion of Defendants to dismiss the Amended Complaint. For the reasons set forth in the joint motion, and other good cause shown, the Court grants the motion and orders as follows:

- (1) Defendants shall have leave to file an opening memorandum of law of not more than 30 pages in support of their forthcoming motion to dismiss, provided that the memorandum of law of Defendants shall comply in all other respects with the requirements of S.D. Ohio Civ. R. 7.2(a)(3) and Section E(1) of the Case Management Procedures of the Court; and
- (2) Lead Plaintiff shall have leave to file a memorandum of law of not more than 30 pages in opposition to the forthcoming motion to dismiss, provided that the memorandum of law of Lead Plaintiff shall comply in all other respects with the

requirements of S.D. Ohio Civ. R. 7.2(a)(3) and Section E(1) of the Case Management Procedures of the Court.

IT IS SO ORDERED.

DATED: _____

UNITED STATES DISTRICT JUDGE